

Alabama Power Company (APC)

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104(e) Sent Date(s): 5/21/2012, 6/28/2012

Response Date(s): 7/25/2012

Subject Property(s): 3100, 3445, and 3529 35th Avenue North, Birmingham, Alabama 35207

SDMS Document(s): 10913562

104(e) Response Summary:

The respondent indicates that Alabama Power Corporation (APC) began operations at the 3100 35th Avenue North property in the late 1920s. In the late 1940s, APC started a General Shops operation on the property, which included an appliance parts warehouse, a meter shop (where meters were tested), an electrical equipment warehouse, and repair shop (where new electrical equipment was stored and inoperable electrical equipment was assessed and repaired), and a salvage building (where scrap metal was collected). The General Shops operations moved to a different off-site location in 1975. APC has leased the property to various entities since 1980 (10913562).

According to its response, APC did not operate a manufacturing or production facility and did not use, store, or dispose of any foundry brick or sand at the 3100 35th Avenue North property. The company also did not generate production wastes and did not operate a landfill on site. It is unaware of any emergency by-pass or malfunction events that occurred while it operated on the property (10913562).

Regarding the other property addresses that were the subject of the 104(e) requests, the respondent stated APC never owned the properties or conducted operations at 3445 or 3529 35th Avenue North, Birmingham, Alabama.

Location and Description:

The APC property is located at 3100 35th Avenue North in Jefferson County, Birmingham, Alabama, which is less than half a mile from the Walter Coke facility (10913562).

Operational History:

The subject property was operated by APC from the late 1920s through 1975. Beginning in 1980, APC has leased the property to a variety of entities, including: Southeastern Resources; Thomasson Coal and Coke Co., Inc. (TCCI); Blount Springs Sand & Gravel Co., Inc. (n/k/a Blount Springs Materials, Inc.) (Blount Springs); and, most recently, Good Hope Contracting Co., Inc. (GHCC). GHCC currently operates an asphalt plant (Asphalt Plant No. 3) at the subject property and sub-leases a portion of the property to Tube City IMS, LLC (Tube City), which performs slag processing on its portion of the property (10913562; 2014324-M-GHCC Corp. Website; 10943039, pp. 52 – 232; 10913568, pp. 37-40).

APC began operations at the subject property in the late 1920s. APC used the property as a central warehouse and crew headquarters in the late 1920s and 1930s. In the 1940s, APC started a General Shops operation, which included an appliance parts warehouse, a meter shop, an electrical equipment warehouse and repair shop, and a salvage building. APC ended operations at the subject property in 1975 when the General Shops operation moved to a different location. Although APC still owned the property, it was not used from 1975-1980. From 1980 until the present (except for 1996-1998), the property has been leased to other entities. APC remains the current owner of the property (10913562).

From 1980 to 1996, APC leased the property to Southeastern Resources and its successors (10913562). Toeroek has not located further information on Southeastern Resources' operations at the subject facility.

In 1990, APC leased the property to TCCI. The lease indicates that the property would be used to store and process coke and other fuel aggregates during the period from July 1, 1990 through June 30, 1995, and that APC was relieved of any and all liability due to the existence of TCCI on APC's property (10913562). *For additional information on TCCI see its Associated Party Summary.*

From 1998 to 2010, APC leased the property to Blount Springs. On October 1, 2010, APC leased the property to Blount Springs' subsidiary, GHCC. The lease agreement indicates that, through September 30, 2020, GHCC will use the leased land for manufacture of asphalt, for storing and processing slag and other building aggregates, and for the distribution of these materials by truck or rail. In its 104(e) Information Request Response, dated July 10, 2013, GHCC indicated that it has operated the facility continuously since 1998 (10913562, 10943039). *Refer to the Associated Party Summary for GHCC / Blount Springs for additional information on these companies' operations at the subject facility.*

On August 24, 2007, Blount Springs and its subsidiary, GHCC, sub-leased four acres in the southwest corner, 3300 portion of the 3100/3300 35th Avenue N. facility property, to Tube City. The Sub-Lease Agreement indicated that Tube City would use the premises from August 24, 2007, through May 31, 2009, for the operation of its plant, storage of construction equipment, and crushing and stockpiling aggregate and other raw materials. The sub-lease was extended twice and is currently set to expire on December 31, 2014 (10913562, p. 20-21; 10984989, pp. 45-46).

Available file materials indicate that Tube City processes steel slag at this location. The slag is sold to GHCC for use as manmade aggregate in its Asphalt Plant No. 3 located on the 3100 portion of the 3100/3300 35th Avenue N. facility. Tube City obtains at least a portion of the steel slag from the Nucor Steel Birmingham (Nucor) facility, located at 2301 F L Shuttlesworth Drive. Under a revision to Tube City's contract with Nucor, dated August 7, 2007, Tube City agreed to process Nucor's steel slag at "another" location (10943039, pp. 52 – 232; 10913568, pp. 37-40). Toeroek did not locate records indicating whether Tube City processed slag or other byproducts generated by entities other than Nucor at the 3100/3300 35th Avenue N. facility. *See the Associated Party Summaries for Tube City IMS and Nucor Steel Birmingham, Inc. for additional information on these entities.*

Regulatory History:

See the Associated Party Summaries for GHCC / Blount Springs, TCCI, and Tube City for the regulatory history of these entities' operations at the 3100/3300 35th Avenue N. facility.

Toeroek did not locate regulatory data for APC and any other operators associated with this property.

Corporate History:

Alabama Power Company

According to the ASOS, APC was incorporated in the State of Alabama on November 10, 1927. On November 10, 1927, Alabama Power Company, Gulf Electric Co., and Houston Power Company were consolidated as Alabama Power Company. Per the ASOS, APC's status is Active (20130528-S-Corporate Documentation-Alabama Power Company).

Southeastern Resources Corporation

According to the ASOS, Southeastern Resources Corporation, a Tennessee corporation, qualified to do business in the State of Alabama on August 23, 1974. On November 26, 1984, Southeastern Resources Corporation (a Tennessee corporation) merged into Southeastern Resources Corporation (a Texas corporation). On that same date, Southeastern Resources Corporation (a Texas corporation) qualified to do business in the State of Alabama. It withdrew from Alabama on November 13, 1990. According to the Texas Secretary of State, Southeastern Resources Corporation's (a Texas corporation) status is "Forfeited Existence", effective July 8, 1995 (20130604-S-Corporate Documentation-Southeastern Resources Corp).

Refer to the Associated Party Summaries for GHCC / Blount Springs, Tube City IMS, LLC, and TCCI for the corporate histories of the site operators other than APC and Southeastern Resources Corporation.

Other Operations/Facilities at this Location:

The respondent identified the following companies as operating at 3100 35th Avenue North after APC discontinued its operations at that address in 1975:

- Southeastern Resources (1980-1996);
- TCCI (1990-1995);
- Blount Springs / GHCC (1998-Present); and
- Tube City (2007-Present) (10913562, 10984989).

Summary of the Relationship between APC, GHCC, Tube City, and Nucor:

As discussed above, APC is the current owner of the facility property located at 3100/3300 35th Avenue N. in North Birmingham, Alabama. APC began operating on the property in the late 1920s and ceased operations in 1975. It began leasing the facility property to various entities in 1980. In 1998, it leased the 3100 portion of the facility property to Blount Springs, the parent company of GHCC. Available file materials indicate that GHCC began operations at the property in 1999 and operates an active asphalt plant (Plant No. 3) at the facility (10913562, pp. 2-3; 10943039, p. 16; 2014324-M-GHCC Corp. Website).

Beginning in 2007, Blount Springs and GHCC subleased four acres of land in the southwest corner of the property to Tube City, the 3300 portion of the 3100/3300 35th Avenue N. facility. Tube City operates a steel slag processing plant and conducts related activities at the premises. The lease term runs through at least December 2014. Since January 28, 2008, Tube City has supplied processed steel slag to GHCC's Asphalt Plant No. 3 (10913562, p. 20-21; 10913568, pp. 37-40; 10943039, pp. 163-243; 10984989, pp. 1-2).

Tube City obtained at least some of the raw steel slag from a steel mill located at 2301 F L Shuttlesworth Drive. Nucor has operated the steel mill since 2003. From 1999 through 2007, Tube City processed the steel mill's slag in a slag processing area located on the 2301 F L Shuttlesworth Drive property. In 2007, Tube City agreed to process the steel slag at another location. Shortly thereafter, Tube City sub-leased the 3300 portion of the 3100/3300 35th Avenue N. facility property. Available file materials indicate that Nucor has no other involvement with the 3100/3300 35th Avenue North facility, its owner or tenants (10913568, pp. 2-3, 37-40).

Apart from the business arrangements between APC, GHCC, Tube City, and Nucor, Toeroek did not locate any documentation indicating that any of the entities are corporately related. The lease between APC and GHCC stipulated that "the execution of this Lease or the performance of any act pursuant to the provisions thereof shall not be deemed or construed to have the effect of creating between Landlord and Tenant the relationship of principal or agent or of partnership or of joint venture and the relationship between them shall be that only of Landlord and Tenant" (10913562, p. 34).

Toeroek researched the available 104(e) Information Request Responses, officer/director lists, SEC filings, regulatory records, Secretary of State records, LexisNexis public records and news reports, and conducted numerous internet queries for each company, but located no other corporate affiliations between the four entities.

Conclusions and Follow Up:

The subject property is located within 0.49 of a mile of the Walter Coke Facility. APC is the current owner of the 3100/3300 35th Avenue N. facility. It operated at the location from the 1920s through 1975. It has since leased the property to a number of entities. GHCC has leased the property and operated a hot mix asphalt plant at the location since approximately 1998. Blount Springs and GHCC has also sub-leased the 3300 portion of the property to Tube City, which operates a steel slag processing plant at the location, since 2007. Operations at the facility since 1920 may have resulted in the discharge of 35th Avenue Site COCs to the property and surrounding area (20130826-M-EPA FactSheet PAHs).

The Toeroek Team recommends that EPA conduct the following additional research to fill data gaps in the information provided:

- [REDACTED]
- [REDACTED]
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